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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
A328A-USA

In re Application of: Schulman, et al.

Application No.: 10/719,715

Filed: 11/21/2003

For: BATTERY-POWERED PATIENT IMPLANTABLE DEVICE

The owners\*, THE ALFRED E. MANN FOUNDATION FOR SCIENTIFIC RESEARCH and ADVANCED BIONICS CORPORATION, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. 6,315,721; and 6,208,894 as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- is reissued; or
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,176

Lee J. Mandell  
Signature

October 11, 2005  
Date

Lee J. Mandell

Typed or printed name

661-702-6700  
Telephone Number

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